

## **FREQUENTLY ASKED QUESTIONS**

**Q: I am being disenrolled from TennCare, do not qualify for Medicare, and have a serious pre-existing condition. Are there private insurance plans that will cover me?**

A: Yes. You may be eligible for either an individual plan, or a group plan if your employer (or your spouse's employer) offers health insurance. Under state and federal law, insurance companies who offer individual health insurance policies are required to offer a "guaranteed issue" plan to individuals with pre-existing conditions. These plans are usually referred to as HIPAA plans – named after the Health Insurance Portability and Accountability Act (HIPAA). In order to be eligible for an individual HIPAA plan, you must have been on TennCare for eighteen (18) months or more.

**Q. When do I need to seek new insurance coverage?**

A. Right away. Your right to a guaranteed issue policy under HIPAA only applies if you act quickly. In order to join a group plan, you must join within thirty (30) days after your TennCare coverage ends. In order to purchase an individual plan, you must do so within sixty-three (63) days after disenrollment. These deadlines run from the last day of your TennCare coverage. If you wait until after these deadlines pass, the insurance companies may deny you coverage.

**Q. If I do qualify for another private insurance plan, will I be subject to any pre-existing condition waiting periods?**

A: If you have had TennCare or other continuous health insurance coverage for the past eighteen (18) months or more, then you cannot be subject to any pre-existing condition waiting periods. If you now qualify for a group plan and were on TennCare less than 18 months, your period of coverage will act as a "credit" against any pre-existing condition waiting period imposed by your new health insurance carrier. Your total amount of TennCare coverage will be listed on the Certificate of Creditable Coverage that you received from TennCare.

**Q. How do I apply for a HIPAA plan?**

A. First, you must locate the Certificate of Creditable Coverage that you received from TennCare after your final disenrollment notice. This Certificate will be required by all insurance companies before they will offer you a new policy. If you have lost your Certificate, please call the Family Assistance Service Center at 1-866-311-4287 and ask for another copy. This Certificate verifies that you have had prior continuous health insurance coverage.

Not every insurance company is required to offer HIPAA individual plans. A list of the companies who do offer these individual HIPAA plans in Tennessee is

available at the Department of Commerce & Insurance website. Click here <http://www.state.tn.us/commerce/insurance/needinsurance.html>  
Because these plans may be expensive, state law requires the insurer to offer 2 plans of coverage based upon a “higher” and “lower” level of benefits. Ask your agent for quotes on both of these HIPAA plans.

Remember, if your employer (or your spouse’s employer) offers a group plan, you may be eligible to join that plan if you act within 30 days after your TennCare coverage ends. Contact your employer’s human resources department immediately for further details.

**Q: I am Medicare eligible and being disenrolled. Do I qualify for a HIPAA plan?**

A: No, however you do not need a HIPAA plan because you have insurance coverage through Medicare. Once you are eligible for Medicare you do not lose that eligibility even if you are disenrolled from TennCare.

**Q: Am I eligible for COBRA coverage once I leave TennCare?**

A: No. Under federal and state law, COBRA coverage is only available to individuals who are losing health insurance coverage that was previously provided by their employer.

**Q. I have contacted several insurance companies and been told I am uninsurable. What can I do?**

A. If you have been on TennCare for more than eighteen (18) months and are seeking new coverage within 63 days of disenrollment, contact the insurance companies again and tell them you are eligible for an individual HIPAA plan. To ensure your rights have not been violated, please contact the Consumer Insurance Services Section at the Department of Commerce & Insurance at 1-800-342-4029.